

Findings of the MRIA Complaints Panel on Seven Complaints Against Campaign Research Regarding A Voter Identification Project Conducted in the Mount Royal Riding of Montreal, PQ, during October/November 2011

This report of the Complaints Panel, constituted by the Standards Portfolio Chair of the Marketing Research and Intelligence Association (MRIA), addresses seven complaints of professional misconduct that the Association received in December 2011 and January 2012, arising from work associated with Campaign Research, a Gold Seal Corporate Research Agency member of MRIA.

This report summarizes findings of the Complaints Panel following a review of documentation associated with the complaints received by MRIA.

Background/ Process

Campaign Research had a division called Campaign Support that conducted voter identification projects and other activities to support political agendas of its clients.

It is our understanding that Campaign Research has incorporated Campaign Support as a separate business entity, subsequent to the project that is the basis of the seven complaints that the Complaints Panel has reviewed.

An affidavit by Mr. Nectarious Kouvalis, a principal of Campaign Research, stated that Campaign Research was retained on October 18, 2011 by the Conservative Party of Canada to “make voter identification calls into the federal electoral district of Mount Royal, in the Province of Quebec”. He stated further that, “The calls were conducted under the business name of Campaign Support, which is a business name registered by Campaign Research for the specific purpose of conducting telemarketing activities.”

Campaign Research has stated that the spoken dialogue in the voter identification project included only the following words.

“Hi, how are you? My name is Test Caller from Campaign Support.

“I am calling on behalf of the Conservative Party of Canada and the reason I am calling is to ask if Stephen Harper can count on your support in the upcoming election.”

“**If asked what election this is for, say the following: ‘Some people are suggesting that the current MP MAY retire, so we’re calling on behalf of Prime Minister Stephen Harper and the Conservative Party of Canada to ask you if you would consider supporting the Conservative Party of Canada if there is a by-election.’**

On learning of that voter identification project, the current MP for the riding, Mr. Irwin Cotler, complained in the House of Commons. After reviewing the situation, Mr. Andrew Scheer, the Speaker of the House of Commons, declared the process “reprehensible.” This led to news coverage in the Toronto Star, Ottawa Citizen, Montreal Gazette, National Post, Financial Post, Globe and Mail, Edmonton Journal, Leader Post, Windsor Star, Winnipeg Free Press, The Canadian Jewish News, and on the CTV television network.

As a result of this media coverage, seven individuals complained to MRIA that Campaign Research violated as many as seven of the core principles of the MRIA Code of Conduct and Good Practice.

Mr. Nectarious Kouvalis, a principal of Campaign Research, was interviewed on CTV on December 16, 2011 and stated, "If we were push pollsters, we wouldn't have a Gold Seal at the MRIA" in response to a question from the interviewer. Mr. Kouvalis mentioned only Campaign Research, never Campaign Support, during that interview. He stated that "we know the rules" and "we follow the rules". The implication was that those rules were MRIA rules, since no other authority was mentioned during his interview.

Overall Finding

The Complaints Panel has examined the information provided to the MRIA and concluded that Campaign Research has committed violations of the MRIA Code of Conduct and Good Practice that are more serious than a minor transgression. Specifically, it is the opinion of the Complaints Panel that Campaign Research violated Principle 2 (Public Confidence), and Professional Responsibilities 1 and 6; and that its actions have likely diminished the confidence of the public in marketing research.

The Complaints Panel therefore imposes a sanction of Censure upon Campaign Research.

Documents Examined

Prior to reaching its conclusion, the Complaints Panel examined many documents relating to this complaint, including the following and others listed at the end of this report.

1. Complaint letter from Dr. Jeannette Bellerose
2. Complaint letter from Jody Simpson
3. Complaint letter from Ian Chamandy
4. Complaint letter from Mark Moraes
5. Complaint letter from Susan Girvan
6. Complaint letter from Glynn Pearson
7. Complaint letter from Adam Lenny
8. Emails to MRIA Executive Director from Marian Levy, a constituent of the Mount Royal riding
9. MRIA Code of Conduct and Good Practice, including Core Principles 1, 2, 4, 5, 7, 8 and 10, which were mentioned in the complaint letters.
10. Several newspaper and internet articles by journalists about the activities of Campaign Research that are the focus of the complaints.
11. The CTV interview with Mr. Kouvalis aired December 16, 2011.
12. Affidavit of Mr. Nectarious Kouvalis dated August 15, 2012.

Reasons for the Panel's Findings

The actions of Campaign Research drew attention from journalists across Canada and generated many significant negative comments that were related to MRIA and marketing research generally, and were relayed to the public in articles that appeared in several Canadian newspapers and an interview on CTV.

There are several facts that we relied on to reach our conclusions. These are:

1. Campaign Research was commissioned by the Conservative Party of Canada to conduct the study – Voter ID in the Riding of Mount Royal. Campaign Research then used a division of the company, Campaign Support, to conduct the study.
2. Only the name of Campaign Support was mentioned in the survey dialogue, as stated by Campaign Research.
3. Seven people complained directly to MRIA that Campaign Research violated up to seven principles of the MRIA Code of Conduct and Good Practice.
4. One person in Mr. Cotler's riding sent an email to the Executive Director of MRIA complaining of the way in which the Campaign Research voter identification project was conducted, but did not lodge a formal complaint with MRIA.
5. Newspaper stories appeared in at least 11 Canadian newspapers.
6. The Speaker of Canada's House of Commons called the actions of Campaign Research "reprehensible".
7. Mr. Nectarious Kouvalis, principal of Campaign Research, was interviewed on CTV by host Scott Reid on December 16, 2011. Mr. Kouvalis was introduced as being a principal at Campaign Research and did not deny that affiliation. No mention was made during the program of Campaign Support. Mr. Kouvalis stated that Campaign Research was hired by the Conservative Party of Canada to conduct those interviews in Mr. Cotler's riding. Mr. Kouvalis said, "If we were push pollsters, we wouldn't have a Gold Seal at the MRIA". Mr. Kouvalis referred more than twice to rules. Since the only authority mentioned was MRIA, viewers likely concluded the rules were those of MRIA.

The Complaints Panel reviewed the facts above and the complaints submitted by the seven complainants and found that Campaign Research violated Core Principle 2 and Professional Responsibilities 1 and 6, but likely did not violate Core Principles 1, 4, 5, 7, 8 and 10.

Core Principle 2. Public Confidence

Members should act in a manner that serves to promote and augment, not diminish, the confidence of the public in research in general.

Professional Responsibility 1. Public Confidence

Researchers must not, whether knowingly or negligently, act in any way which could bring discredit on the marketing research profession or lead to a loss of public confidence in it.

Professional Responsibility 6. Avoiding Confusion in Public Statements

Unless authorized by the Executive Director, when talking with the press or media representatives, members should request that their membership in MRIA not be included in any subsequent articles or media reports to avoid their personal views or opinions being confused with those of MRIA.

Complaints Panel Analysis and Determination

Core Principle 2 (Public Confidence) and Professional Responsibility 1 (Public Confidence). Based on the facts stated above, the Complaints Panel observes that Campaign Research, acting through its Campaign Support division, conducted voter identification interviews in the Mount Royal riding of Montreal that upset many people, which gave rise to many criticisms of Campaign Research and marketing research generally in the Canadian press and caused a scandal in the House of Commons.

We observe that Mr. Kouvalis stated that Campaign Research was directly engaged by the Conservative Party of Canada to execute the project and that he used Campaign Research's Gold Seal certification and its MRIA membership to attempt to convince the Canadian public that Campaign Research did nothing wrong in carrying out the voter identification project in Mount Royal.

The facts above and the statements and actions of Mr. Kouvalis have caused the Canadian public to question the ethics of Campaign Research as a member of the marketing research profession. The actions of Campaign Research have likely caused the Canadian public to lose confidence in marketing research and have tarnished the image of the marketing research profession.

It may be argued that that the project in question was not marketing research. However, the project definitely created strong negative opinions – the media coverage, a series of complaint letters, and comments by the speaker of the House of Commons. During the CTV interview on this project, Mr. Kouvalis mentioned the MRIA, the membership of Campaign Research in MRIA, the Gold Seal certification, and adherence to the MRIA Code of Conduct, i.e., the “rules”. Mr. Kouvalis never mentioned Campaign Support nor did he correct the interviewer and separate the project as conducted by Campaign Support from Campaign Research and its standing in the industry.

The conclusion of the Complaints Panel is that the actions of Campaign Research violated section 2 of the Professional Responsibilities set out in the Code. As a result, the industry was brought into disrepute.

Professional Responsibility 6 (Avoiding Confusion in Public Statements). Given the structure and conduct of the project in question, and subsequent coverage in both print media and on television, the Complaints Panel concluded that the process also contravened MRIA Professional Responsibility 6 in the Code. Rather than requesting that journalists not mention Campaign Research's membership in MRIA, Mr. Kouvalis specifically attempted to justify the actions of Campaign Research by mentioning the company's Gold Seal certification in blatant contravention of Professional Responsibility 6.

That said, if Campaign Support had been a completely separate business entity, and the contract with the Conservative Party of Canada had been directly with Campaign Support, and, especially, if Mr. Kouvalis had not mentioned MRIA, Campaign Research's MRIA Gold Seal certification, and “rules” during his public statements, then MRIA would not have been involved in the concerns expressed by various parties. They would have been outside the jurisdiction of MRIA. Those parties with concerns would have been required to pursue those concerns by other means.

However, the fact is that Campaign Support was not a separate legal entity, distinct from Campaign Research, at the time of the project in question. Rather, it was a division of Campaign Research; and therefore, its activities were also those of Campaign Research.

Decision

There are five possible outcomes to a Complaints Panel deliberation, as outlined in the Disciplinary Procedures which form part of the MRIA Code of Conduct and Good Practice.

1. No violation/ no act of omission – file closed
2. Minor violation – case closed
3. Censure
4. Suspension of Membership
5. Expulsion from Membership

The sanction to be applied depends upon the number of violations (if any) and their seriousness.

In the opinion of the Complaints Panel, its review is limited to one project conducted by Campaign Research. However, the panel believes that this has created serious concern among the public and created adverse publicity for MRIA, its members, and their work.

Based on the facts and the reasoning stated above, the Complaints Panel imposes a sanction of Censure upon Campaign Research.

The Complaints Panel acknowledges that Campaign Research has subsequently taken the step on its own initiative of establishing Campaign Support as an independent legal entity, thereby separating Campaign Support from Campaign Research. In the opinion of the panel, this was an important step and one to be commended, particularly since Campaign Research undertook the step on its own initiative.

Composition of the Complaints Panel

The Standards Portfolio Chair appointed a Complaints Panel of three senior members-in-good-standing of the Association, in accordance with the requirements of the MRIA Disciplinary Procedures, as outlined in the Code of Conduct and Good Practice.

DOCUMENTS AND OTHER MATERIAL REVIEWED

The following documents, letters, and other material were reviewed by the Complaints Panel in its deliberations.

1. MRIA Code of Conduct and Good Practice
2. letters of complaint received by MRIA
3. response to each of the letters of complaint issued by Campaign Research
4. August 22, 2012 – Letter from Campaign Research to the Complaints Panel addressing the issues. Also included the script followed by Campaign Support and documentation supporting the establishment of Campaign Support as a separate legal entity
5. Affidavit from Mr. Kouvalis supporting Campaign Research's reply to MRIA
6. Interview on CTV with Mr. Kouvalis aired December 16, 2011
7. Articles written by Mark Kennedy and Glen McGregor of Postmedia News appearing on canada.com and addressing the issues raised
8. letter from Mr. Aaron Wudrick of Campaign Research to Mr. Glynn Pearson addressing the issues (document not dated)
9. article in the Jewish Tribune related to Mr. Irwin Cotler